

# Order

## Of the Bar Harbor Town Council

### For the June 8, 2010 Town Meeting

It is hereby ordered that the following article be placed on the town meeting warrant with voting thereon to be held by Australian ballot.

---

---

### Warrant Article

**LAND USE ORDINANCE AND MAP AMENDMENT – Village Residential District and Official Zoning Map Amendment** – Shall an Ordinance dated February 2, 2010 and entitled “An amendment to adopt standards for Village Residential District and revise the Official Zoning District Map” be enacted?

---

---

### Village Residential District

**An amendment to adopt standards for the Village Residential District and revise the Official Zoning District Map.**

*The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:*

[Please Note: Old language is ~~stricken~~. New language is underlined.]

## Chapter 125 , LAND USE ORDINANCE

---

### ARTICLE II Establishment of Districts

---

\*\*\*

#### **§ 125-12. Neighborhood districts. [Amended 11-5-1991; 5-1-1995]**

For the purposes of this chapter, all land and water areas in the Town of Bar Harbor are hereby divided into the following districts:

#### Village Residential

\*\*\*

#### Section 125-20 Village Residential

##### A. Purpose

The Village Residential District encompasses the well-established residential neighborhoods that surround the traditional downtown area of Bar Harbor. It consists mostly of single family homes, but also includes condominium and multi-family type uses. New development, re-development and infill development shall respect and reflect standards to assure that the uses are compatible to any nearby properties.

#### B. Dimensional Standards

1. Minimum lot size: 10,000 square feet with sewer, and 40,000 square feet without sewer.
2. Minimum road frontage and lot width: 100 feet.
3. Minimum front setback for structures: 20 feet.
4. Minimum side setback for principal structures: 10 feet.
5. Minimum side setback for accessory, nonresidential structures: 5 feet.
6. Minimum rear setback for principal structures: 10 feet.
7. Minimum rear setback for accessory, nonresidential structures: 5 feet.
8. Maximum lot coverage: 25%.
9. Maximum height: 40 feet.
10. Minimum area per family: 10,000 square feet with sewers; or 20,000 square feet without sewers.

#### C. Allowed Uses

1. Principal uses allowed by building permit or a change of use permit with the Code Enforcement Officer: government facility/use with lot frontage on Route 3 or Eagle Lake Road; home occupation; municipal school; municipal use; public or private park; single and two-family dwelling; vacation rental on homestead exemption property.
2. Accessory Uses that are usual and normal to a principal use are allowed. These allowances are subject to review by the Code Enforcement Officer.
3. Uses allowed by site plan review: Multifamily I; wireless communication; nursing/convalescent home in building constructed before June 8, 2010, road construction.
  - a. The following uses are permitted by site plan review for lots with frontage on Route 3 or 233: professional office building; medical clinic; undertaking establishment; family child care; child care center; art gallery, museum; private school; veterinary hospital or clinic.

4. Uses allowed by PUD: Multifamily II.

D. Allowed Activities:

1. Activities allowed without a permit, provided it complies with all provisions of the Section 125: activities necessary for managing/protecting land; filling/earth moving activity less than 10 cubic yards; forest management activities except timber harvesting; non-intensive recreation uses not requiring structures; public utility installation/essential services.
2. Activities allowed by building permit and which require approval of the Code Enforcement Officer: driveway construction; filling/earth moving activity 10 cubic yards or more; noncommercial greenhouse; and wind turbine.

E. Other Requirements:

1. Accessory structures shall be located in the side and rear yard of the property.

\*\*\*

---

**ARTICLE V Site Plan Review**

---

\*\*\*

**§ 125-67. General review standards.**

- B. Lot standards. Except as modified by the provisions for planned unit developments set forth in § 125-69M and S, as applicable, any proposed structure or lot must comply with the lot size, area per family, road frontage, lot width, and front, side and rear setback requirements, as determined by reference to Article III for each district in which it is proposed subject to the following: [Amended 5-7-1991; 11-5-1991; 5-1-1995; 5-6-1996; 11-2-1999; 11-4-2003; 5-3-2004; 11-2-2004; 5-2-2005; 6-13-2006<sup>EN</sup>]

- (2) Front setback distances shall be measured from the center line of the traveled way in all districts except the Bar Harbor Historic, Bar Harbor Historic Corridor, Bar Harbor Residential, Downtown Business, Downtown Residential, Halls Cove Business, Village Residential and Shoreland General Development I Districts where setback distances shall be measured from the edge of the lot line.

\*\*\*

§125-67(D)(3)

D. Parking requirements. Any site plan for an activity that can be expected to generate vehicular traffic shall provide for off-street parking in accordance with the following requirements. Parking requirements may be reduced, as determined by the Planning Board, when at least five percent of the required parking spaces are designated for low-emitting and fuel-efficient vehicles, carpools or vanpools or any combination thereof, and are marked as such.

(3) The following minimum off-street parking shall be provided and maintained in the case of new construction, alterations or changes of use which would increase the parking demand according to the standards set forth below, or any increase in the area used which increases the number of persons using the premises. In the event of such construction, alterations, change or increase, the entire premises or use, and not just that portion constructed, altered, changed or increased, shall become subject to the following requirements.

(p)Museum and Art Gallery: one parking space per each two employees. [Added 11-4-1997]

(v) Medical Clinic: four parking spaces per 1,000 square feet of gross leasable area, plus a designated loading zone for ambulance and bus drop off and pick up.

(w) Nursing/Convalescent Home: one parking space per employee on the largest work shift plus a designated loading zone for ambulance and bus drop off and pick up.

\*\*\*

**§ 125-69. Standards for particular uses, structures, or activities**

M. Planned Unit Development - Outlying Area (PUD-O). [Amended 6-13-2006<sup>EN</sup>]

(2) District and authority.

(a) The Planned Unit Development-Outlying Area is an overlay option to zoning in existing neighborhood districts. The districts in which the PUD-O overlay is permitted are Bar Harbor Residential and Village Residential in those areas not served by the Town sewer system; Hulls Cove Rural in those areas not served by the Town sewer system; Emery; Indian Point Residential; Indian Point Rural; McFarland Hill Residential; McFarland Hill Rural; Town Hill Corridor; Town Hill Residential; Town Hill Rural; Otter Creek; Salisbury Cove Corridor; Salisbury Cove Residential; and Salisbury Cove Rural. Properties in the above-noted neighborhood districts with a portion of land in the Shoreland Residential, Resource Protection and Stream Protection Neighborhood Districts may apply for a PUD-O; however these properties must still meet shoreland standards contained in § 125-68.

\*\*\*

S. Planned Unit Development - Village (PUD-V). [Added 6-13-2006[Amended 6-13-2006]

(2) District and authority.

- (a) The Planned Unit Development-Village is an overlay option to zoning in existing neighborhood districts. The districts in which the PUD-V overlay is permitted are Downtown Business I and II; Downtown Residential; Bar Harbor Residential, and Village Residential where served by the Town sewer system; and Hulls Cove Business, where served by the Town sewer system. Properties in the above-noted neighborhood districts with a portion of land in the Shoreland Residential, Shoreland Commercial I and II, Resource Protection and Stream Protection Neighborhood Districts may apply for a PUD-V; however, these properties must still meet shoreland standards contained in § 125-68.

\*\*\*

---

**ARTICLE XII Construction and Definitions**

---

\*\*\*

**§ 125-109 Definitions**

CHILD CARE FACILITY – A licensed child care center, family child care or nursery school.

CHILD CARE, CENTER – a building for providing licensed care and protection for 3 or more children under 13 years of age.

CHILD CARE, FAMILY – Licensed care and protection that is provided in a dwelling unit on a regular basis, for 3 to 12 children under 13 years of age who are not the children of the provider or who are not residing in the provider's home. If a provider is caring for children living in that provider's home and is caring for no more than 2 other children, then the use is customary to a dwelling unit and is not regulated herein.

ART GALLERY – A retail establishment primarily engaged in the sale of drawings, photography, paintings, sculpture and the like to customers for their own individual or household use.

GOVERNMENT FACILITY/USE - A governmental or public service use for the general benefit of the citizens funded in whole or in part by the state, federal government, Town of Bar Harbor or a quasi-public organization, including, by way of illustration and without limitation ~~municipal buildings, schools,~~ public parks and recreational facilities, and state and federal buildings-visitor information offices.

MUNICIPAL FACILITIES-USE – Buildings or land which is owned by the Town of Bar Harbor and operated under its supervision.

MUSEUM – A nonprofit institution operated principally for the purpose of preserving and exhibiting objects of historical, cultural, scientific or artistic interest and which may also engage in retail sales of items related to its principal purpose. Restaurants as an accessory use are permitted only in the in the Downtown Business and Salisbury Cove Corridor districts.

PROFESSIONAL OFFICE BUILDING - A building in which there is located the office of a professional, such as an architect, accountant, dentist, ~~doctor of medicine~~, lawyer, and the like, or in which a business conducts its administrative, financial or clerical operations, but not including any manufacturing or sale of goods or merchandise.

---

---

## MAP AMENDMENT

*Assign the Village Residential District to the following Property Tax Map and Lot numbers pursuant the Proposed Zoning Changes map created on:*

Map-Lot	Map-Lot	Map-Lot	Map-Lot
101-016-000	103-006-000	103-088-000	106-027-000
101-029-000	103-033-000	103-049-000	106-041-000
101-017-000	103-040-000	103-045-000	106-026-000
101-030-000	103-052-000	103-097-000	106-044-000
101-018-000	103-039-000	103-060-000	106-006-000
101-028-000	103-034-000	103-061-000	106-046-000
103-001-000	103-038-000	103-048-000	106-052-000
103-031-000	103-072-000	103-065-000	106-019-000
103-086-000	103-093-000	103-089-000	106-018-000
103-047-000	103-076-000	103-067-000	106-010-000
103-056-000	103-082-000	103-069-000	106-009-000
106-022-000	103-094-000	103-087-000	106-017-000
106-021-000	103-084-000	103-068-000	106-008-000
106-045-000	104-408-000	104-406-000	106-016-000

<b>Map-Lot</b>	<b>Map-Lot</b>	<b>Map-Lot</b>	<b>Map-Lot</b>
103-002-000	103-090-000	103-096-000	106-031-000
103-085-000	106-029-000	103-046-000	106-011-000
106-023-000	103-053-000	103-055-000	106-032-000
106-005-000	104-405-000	106-054-000	106-015-000
106-043-000	103-042-000	106-002-000	106-037-000
106-042-000	103-037-000	103-078-000	106-033-000
103-004-000	103-050-000	106-053-000	106-014-000
103-005-000	103-036-000	106-001-000	106-012-000
103-028-000	230-001-002	106-025-000	106-036-000
103-051-000	103-041-000	106-024-000	106-013-000
103-032-000	103-044-000	106-004-000	106-035-000
103-043-000	103-066-000	106-028-000	103-007-000
103-035-000	103-057-000	106-040-000	103-062-000
103-080-000	103-098-000	106-038-000	104-409-000
103-092-000	103-059-000	103-029-000	103-100-000
104-407-000	106-039-000	106-007-000	106-050-000
103-064-000	103-063-000	106-034-000	106-048-000
104-410-000	103-091-000	101-015-000	106-049-000
103-095-000	103-058-000	106-020-001	106-047-000
103-077-000	106-003-000	106-020-000	103-006-001

---

**EXPLANATION:** Adoption of this district would partially replace an area which is currently designated as Bar Harbor Residential.

---

---

Given under our hands and seal at Bar Harbor this ninth day of February 2010.

Municipal Officers of the Town of Bar Harbor

---

Sandy McFarland, Chair

---

Ruth A. Eveland, Vice Chair

---

Paul A. Paradis, Secretary

---

Robert L. Jordan, Jr.

---

Jane Disney

---

Greg Veilleux

---

Peter St. Germain

---

~~<sup>t</sup>Editor's Note: This ordinance also provided that it shall apply retroactively to all proceedings, applications and/or petitions pending on or commenced after 9-6-2005, notwithstanding the provisions of 1 M.R.S.A. § 302.~~